

No. 5:24-cv-00365-XR

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

DMA Properties, Inc., et al.,
Appellants

v.

KrisJenn Ranch, L.L.C., et al.,
Appellees.

Consolidated Appeal from the United States Bankruptcy Court
For the Western District of Texas Adversary Proceeding 20-05027-RBK

MOTION FOR LEAVE TO FILE FED. R. BANKR. P. 9024 (FED. R. CIV. P. 60)
TO SEEK RELIEF FROM THE BANKRUPTCY TRIAL COURTS FED. R.
BANKR. P. 9054 POST FINAL JUDGMENT AWARD ON ATTORNEY'S FEES

NOW COMES, Defendant, Larry Wright, under Fed. R. Bankr. P. 9024 seeking relief from a post judgment award of attorney's fees under Fed. R. Bankr. P. 9054 award on attorney's fees and shows the Court as follows.

1. Movant, Larry Wright, seeks leave to file the attached Rule 9024 Motion for Relief from Conflicting Final Judgment and 7054 Order ("Motion for Relief"). The attached Motion for Relief will not and does not affect any of the issues pending appeal but is purely to address the Bankruptcy trial court collateral award of attorney's fees by addressing a conflict between the Final Judgment on Remand [Doc #329] entered on March 26, 2024, and the subsequent order on attorney's fees entered per Fed. R. Bankr. P. 7054 and local bankruptcy rule 7054 on May 14, 2024 [Doc #353].

2. The order on attorney's fees erroneously and mistakenly orders that Larry Wright pay attorney's fees when the Final Judgment on Remand only awarded attorney's fees as specified in paragraphs 4 and 5 as the it lacked jurisdiction to alter or amend the Final Judgment on Remand after April 9, 2024.¹ The Final Judgment on Remand denied all other relief not specifically granted therein.² The plenary power of the Bankruptcy Court to alter or amend the Final Judgment on Remand expired on April 9, 2024, leaving on the collateral matter of determining the attorney's fees awarded against the Parties as set forth in the Final Judgment on Remand. After April 9, 2024, the Bankruptcy Trial Court did not have or maintain jurisdiction to alter the final appealable judgment as this appeal had begun, and no issues on appeal were raised in regard to the amount of attorney's fees awarded. For these reasons, Defendant, Larry Wright, requests relief from this court and grant him leave to file the attached, Larry Wright's Rule 9024 Motion for Relief from Conflicting Final Judgment and 7054 Order. The Granting of this motion will have not effect on the issues currently on appealed.

WHEREFORE, Defendant, Larry Wright, prays this court enter an order granting Defendant Larry Wright leave to file the attached Motion for Relief in the Bankruptcy Trial Court. Defendant, Larry Wright, further prays for any and all other relief he is so justly entitled to at law or in equity.

¹ [#329] Final Judgment on Remand at pp. 2 and 3, paras. 4 and 5.

² Id at p. 3, para. 7.

Certificate of Compliance

I hereby certify that this motion satisfies the requirements set forth by Federal Rule of Appellate Procedure 27(d)(2). There are 401 words in this motion.

Certificate of Conference

I hereby certify that on April 4, 2025, I conferred via email with Counsel for appellants DMA Properties, Inc., Longbranch Energy, LP, and Frank Daniel Moore, regarding this motion for leave. Mr. Cotton responded that his clients do not oppose the relief requested herein.

Certificate of Service

I hereby certify that on April 7, 2025 I caused a copy of the foregoing to be filed by this Court's CM/ECF system, which will serve a copy on all registered users.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record by way of e-service through the CM/ECF system by notice of electronic filing or via email on the 7th day of April 2025:

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